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August 11, 2008

Of Counsel:  
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Judge Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: **Capponi v. Murphy et al.**  
**08Civ.4449 (LTS) (DFE)**

Dear Judge Swain:

The undersigned represents the Plaintiff, John B. Capponi, as Administrator of the Estate of Louise Theresa Capponi.

The undersigned has been in telephone contact with Stewart A. McMillan, counsel for all of the Defendants in connection with the potential of settling this action as well as issues concerning the Preliminary Pre-Trial Statement.

In conjunction with exploring the possibilities of settlement, the undersigned has requested from Mr. McMillan that additional financial information be provided. Mr. McMillan has requested this information from the accountant who represents some of the Defendants, but that information has not been produced as of yet.

In view of the foregoing, the undersigned requested from Mr. McMillan a two week adjournment in order to respond to the defendants Answer and Counterclaims, (in the event that a settlement is not reached), which Mr. McMillan has agreed to. In the event the Court agrees to this extension, this stipulation would extend Plaintiffs' time to respond to the Answer from August 15, 2008 to August 29, 2008. No prior request for such extension has been requested of Mr. McMillan.

This extension would affect the Initial Conference date which is presently scheduled for August 22, 2008. It is therefore requested that in the event the Court grants the request for a two week adjournment, that the Initial Conference be adjourned and rescheduled for a date after September 5, 2008.

Thank you for your courtesy and in the event you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

IRWIN, LEWIN, COHN & LEWIN, P.C.

By:

  
Edward Cohn

EC:tlb

cc: Stewart A. McMillan, Esq.  
Attorney for Defendants  
McMillan, Constable, Maker & Perone, LLP  
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